

REMARKS

Claims 1, 6, 8-10 and 21-24 have been amended.

The Examiner has rejected applicant's claims 1, 6, 8-10 and 21-24 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The Examiner has argued that limitations "selecting a method of transferring" and "control means for controlling to transfer the received data by using the method selected by said selection means" in claims 1, 6, 8-10 and 21-24 are not enabled by the specification. Applicant respectfully disagrees with the Examiner's argument.

In particular, the limitation of "selecting a method of transferring the received data" is disclosed in FIGS. 5 and 9 and page 15, line 3 to page 17, line 2 of applicant's drawings and specification. These portions of the specification and drawings disclose discriminating whether or not the received data is confidential and judging whether a public key exists so as to provide a secure transfer path, and, in accordance with such discrimination and/or judgment, selecting in steps S512, S508 and S510 the method to be used for transferring the received data. Specifically, page 15, lines 14-20 of applicant's specification and FIGS. 5 and 9 of applicant's drawings disclose that if it is discriminated that the received data is not confidential, a method of transferring the received data attached with an e-mail is selected in step S512. Page 15, line 21 to page 16, line 7 of applicant's specification, and FIGS. 5 and 9 of applicant's drawings, disclose that if it is discriminated that the received data is confidential and if it is judged that the public key does not exist, then a method of storing the received data in a predetermined memory and transferring information to be used for access to the stored data attached with an e-mail is selected in step S510. Finally, page 16, lines 18-24 of applicant's specification and FIGS. 5 and 9

of applicant's drawings disclose that if it is discriminated that the received data is confidential and it is judged that the public key exists, then a method of encrypting the received data and transferring the encrypted data attached with an e-mail is selected in step S508. The limitation of "controlling means for controlling to transfer the received data" is shown in FIG. 1 of applicant's drawings and described on page 4, lines 15-16 of applicant's specification, which disclose a CPU (101) controlling the functions of the communication apparatus, including transferring of the received data using the selected method. Based upon the above, applicant believes that applicant's claims 1, 6, 8-10 and 21-24 are in compliance with the written description requirement of 35 USC 112, first paragraph.

The Examiner has also rejected applicant's claims 1, 6, 9, 10, 21 and 23 under 35 USC 102(e) as being anticipated by the Ginter, et al. (U.S. Patent No. 6,658,568) patent. Claims 8, 22 and 24 have been rejected under 35 USC 103(a) as being unpatentable over the Ginter, et al. patent in view of the Perlman (U.S. Patent No. 6,363,480) patent. Applicant has amended applicant's independent claims 1, 9 and 10, and with respect to these claims, as amended, and their respective dependent claims, the Examiner's rejections are respectfully traversed.

Applicant's independent claims 1, 9 and 10 have been amended to better define applicant's invention. Applicant's independent claim 1 has now been amended to recite a communication apparatus for transferring data from a first network to a second network, the apparatus comprising first discrimination means for discriminating if the received data is a confidential data, judgment means for judging if the transfer path to the destination of the received data is secure or not, selection means for selecting a method of transferring the received data from a method of transferring the received data attached with email to the terminal, a

method of encrypting the received data and transferring the encrypting data attached with e-mail to the terminal or a method of storing the received data in a predetermined memory and transferring information to be used for access to the stored received data attached with e-mail to the terminal, in accordance with the result of the discrimination by the first discrimination means and the result of the judgment by judgment means, and control means for controlling to transfer the received data by using the method selected by the selection means. The features of amended claim 1 are supported by the aforementioned figures of applicant's drawings and the aforementioned pages of applicant's specification. Applicant's independent claims 9 and 10 have been similarly amended.

The constructions recited in applicant's amended independent claims 1, 9 and 10 are not taught or suggested by the cited art of record. In particular, the Examiner has argued that Ginter, et al. discloses first discrimination means for discriminating if the received data is a confidential data (Column 58, lines 17-54), second discrimination means for discriminating if the terminal of an address of the received data corresponds to a stored address (Column 90, line 16 to column 91, line 2), selection means for selecting a method of transferring the received data from a method of transferring the received data attached with E-mail to the terminal, a method of encrypting the received data and transferring data attached with E-mail to the terminal or a method of storing the received data in a predetermined memory and transferring information to be used for access to the stored received data attached with E-mail to the terminal in accordance with the result of the discrimination by the first discrimination means and the second discrimination means (Column 90, line 16 to column 91, line 2) and control means for controlling to transfer the received data by using the method selected by the selection means

(Column 90, line 16 to column 91, line 2).

Applicant has reviewed the portions of the Ginter, et al. patent cited by the Examiner and disagrees with the Examiner's application of these passages to applicant's claims. More particularly, column 90, line 16 to Column 91, line 2 of the Ginter, et al. patent disclose a secure directory services system including a database which may be accessed in response to a request to retrieve additional information such as "the electronic mail address of a certain individual or organization, the public key of a certain individual, the identity of a person having a certain electronic mail address, the identity and address of a person having a certain public key, etc.)." Col. 90, lines 8-22. The secure directory services system may require the requester to present access controls, i.e. valid credentials, to access the information and may also provide controls that require the requester to use the information only in authorized ways. Col. 90, lines 23-42. The request information from the requester and the response information to the requester are provided in secure electronic containers so as to maintain the confidentiality and integrity of the requests and responses. Col. 90, lines 48-61.

In the system of the Ginter, et al. patent there is, therefore, no discrimination means for discriminating if the received data is a confidential data, nor is there a judgment means for judging if the transfer path to the destination of the received data is secure or not, nor a selection means for selecting a method of transferring the received data. All that is described in Ginter, et al. patent is the use of secure electronic containers for transferring request information and response information, e.g. electronic mail address and public key information and the identity of persons having such addresses and public keys. There is no process of determining whether received data is confidential. There is also no judging if the transfer path of the received data is

secure or not, nor is there a selecting of a method of transferring data. Thus, there is nothing in the patent which equates to the aforementioned discrimination means, judging means and selection means of applicant's claims.

Moreover, the Ginter, et al. patent makes no mention of selecting a method of transferring the received data from three methods, i.e., a method of transferring the received data attached with E-mail to the terminal, a method of encrypting the received data and transferring the encrypting data attached with E-mail to the terminal and a method of storing the received data in a predetermined memory and transferring information to be used for access to the stored received data attached with E-mail to the terminal, let alone that the selection be in accordance with the result of the discrimination as to the confidentiality of the data and the result of the judgment as to the security of the transfer path. There is simply nothing taught in the Ginter, et al. patent which teaches or suggests such operations.

Applicant's amended independent claims 1, 9 and 10, and their respective dependent claims, all of which recite, in one form or another, first discrimination means for discriminating if the received data is confidential data, judgment means for judging if the transfer path to the destination of the received data is secure or not, and selection means for selecting a method of transferring the received data from a method of transferring the received data attached with an email to the terminal, a method of encrypting the received data and transferring the encrypting data attached with E-mail to the terminal or a method of storing the received data in a predetermined memory and transferring information to be used for access to the stored received data attached with E-mail to the terminal, in accordance with the result of the discrimination by the first discrimination means and the result of the judgment by the judgment means, thus patentably distinguish over the

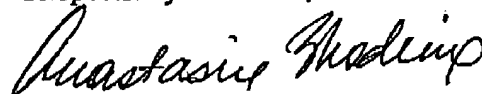
Ginter, et al. patent. Moreover, the Perlman patent, which teaches that data is encrypted with an ephemeral encryption key having an effective period, adds nothing to the Ginter, et al. patent to change this conclusion.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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